

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOYCE WOLF,

Plaintiff,

**ANSWER**

-against-

07 Civ. 11372 (MGC)

NEW YORK CITY DEPARTMENT OF EDUCATION,  
“DOE”, and LAURA RODRIGUEZ, In her official  
capacity as Superintendent of Region 10, and Laura  
Rodriguez, Individually,

**Filed Via ECF**

Defendants.  
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Defendants New York City Board of Education (also known as and being sued herein as the New York City Department of Education and/or “DOE” (hereinafter “BOE”)) and Laura Rodriguez, by their attorney Michael A. Cardozo, Corporation Counsel of the City of New York, for their Answer to the Complaint, respectfully allege as follows:

1. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “1” of the complaint.

2. Deny the allegations set forth in paragraph “2” of the Complaint, except admit that BOE has offices at 52 Chambers Street, New York, New York 10007 and respectfully refer the Court to N.Y. Education Law § 2590-g(2) for a complete and accurate description of the powers and duties of the Board of Education.

3. Deny the allegations set forth in paragraph “3” of the complaint, except admit that plaintiff purports to set forth the basis of jurisdiction as stated therein.

4. Deny the allegations set forth in paragraph “4” of the complaint, except admit that plaintiff purports to base venue as stated therein.

5. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "5" of the complaint, except admit that, upon information and belief, plaintiff filed a Verified Complaint with the New York State Division of Human Rights ("SDHR") on or about February 26, 2007, that a charge of discrimination was received by the Equal Employment Opportunity Commission ("EEOC"), and that this charge was assigned No. 16G-2007-01977.

6. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "6" of the complaint, except admit that, upon information and belief, EEOC issued a right to sue letter with respect to Charge No. 16G-2007-01977 to plaintiff, via her attorneys, on or about September 25, 2007.

7. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "7" of the complaint, except admit that plaintiff has been an Assistant Principal with BOE since on or about June 23, 1993.

8. Deny the allegations set forth in paragraph "8" of the complaint.

9. Admit the allegations set forth in paragraph "9" of the complaint.

10. Admit the allegations set forth in paragraph "10" of the complaint.

11. Deny the allegations set forth in paragraph "11" of the complaint.

12. Deny the allegations set forth in paragraph "12" of the complaint.

13. Deny the allegations set forth in paragraph "13" of the complaint.

14. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "14" of the complaint, including all subparts.

15. Deny the allegations set forth in paragraph "15" of the complaint.

16. Deny the allegations set forth in paragraph "16" of the complaint, except admit that in or around December 2006 Maria DiSalvio informed Superintendent Laura Rodriguez that she was retiring.

17. Deny the allegations set forth in paragraph "17" of the complaint.

18. Deny the allegations set forth in paragraph "18" of the complaint.

19. Deny the allegations set forth in paragraph "19" of the complaint.

20. Deny the allegations set forth in paragraph "20" of the complaint, except admit that on or around January 11, 2007, Margarita Colon was unanimously selected by a panel of five individuals to become the interim acting principal of Public School 72.

21. Deny the allegations set forth in paragraph "21" of the complaint, except admit that the C-30 process for selecting the new Principal of Public School 72 commenced in or around June 2007.

22. Deny the allegations set forth in paragraph "22" of the complaint.

23. Deny the allegations set forth in paragraph "23" of the complaint.

24. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "24" of the complaint.

25. Deny the allegations set forth in paragraph "25" of the complaint, except admit that as a result of the C-30 process Margarita Colon was selected as the Principal of Public School 72 on or around June 21, 2007.

26. Deny the allegations set forth in paragraph "26" of the complaint.

**AS AND FOR A FIRST DEFENSE:**

27. The complaint fails to state any claim upon which relief may be granted.

**AS AND FOR A SECOND DEFENSE:**

28. This Court lacks jurisdiction over any claims contained in the federal complaint which were not also contained in plaintiff's charge of discrimination filed with the EEOC and/or SDHR and must be dismissed for failure to exhaust administrative remedies.

**AS AND FOR A THIRD DEFENSE:**

29. All actions taken by defendants with respect to plaintiff were undertaken for legitimate business reasons.

**AS AND FOR A FOURTH DEFENSE**

30. Plaintiff may not recover punitive damages against defendant BOE.

**AS AND FOR A FIFTH DEFENSE**

31. Individually-named defendants are not subject to liability under Title VII.

**AS AND FOR A SIXTH DEFENSE**

32. Plaintiff may not recover non-economic damages pursuant to the Age Discrimination in Employment Act.


**AS AND FOR A SEVENTH DEFENSE**

33. Plaintiff has failed to comply with N.Y. Educ. Law § 3813 and no notice of claim has been filed.

**WHEREFORE**, defendants request judgment dismissing the complaint in its entirety, denying all relief requested therein, and granting defendant costs, fees, and disbursements together with such other and further relief as the Court deems just and proper.

Dated: New York, New York  
February 20, 2008

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07 Civ. 11372 (MGC)

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	
JOYCE WOLF,	Plaintiff,
-against-	
NEW YORK CITY DEPARTMENT OF EDUCATION, "DOE", AND LAURA RODRIGUEZ, IN HER OFFICIAL CAPACITY AS SUPERINTENDENT OF REGION 10, AND LAURA RODRIGUEZ, INDIVIDUALLY,	Defendant.
ANSWER	
<b>MICHAEL A. CARDOZO</b> Corporation Counsel of the City of New York Attorney for Defendant 100 Church Street, 2-108 New York, New York 10007	
Of Counsel: Basil C. Sitaras Tel: (212) 788-0879	
Matter No. 2008-000288	
<i>Due and timely service is hereby admitted.</i>	
New York, N.Y. ...., 200 .	
Signed.....	
Attorney for .....	